



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

April 5, 2016

TO: Hearing Officer  
FROM: Kristina Kulczycki *KK*  
Zoning Permits North Section

**SUBJECT: Project No. R2014-02411-(5)  
Minor Conditional Use Permit No. 201400014, Oak Tree Permit No.  
201400035, and Environmental Assessment No. 201400194  
HO Meeting: April 5, 2016  
Agenda Item: 10**

The above-mentioned item is a request to construct a single-family residence on a hillside within the Altadena Community Standards District and includes one oak tree removal and additional encroachments into the protected zone of nine other oak trees.

Please find additional enclosed letters for the above referenced item that were not included in the hearing package provided to the Hearing Officer.

If you need further information, please contact Kristina Kulczycki at (213) 974-6443 or [kkulczycki@planning.lacounty.gov](mailto:kkulczycki@planning.lacounty.gov). Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

MM:KK

Enclosures: Additional comment letters

P: (626) 381-9248  
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1055 E. Colorado Boulevard  
Suite 500  
Pasadena, California 91106

VIA HAND DELIVERY, ELECTRONIC, & U.S. MAIL

April 4, 2016

Kristina Kulczycki  
LOS ANGELES COUNTY DEPARTMENT OF REGIONAL PLANNING (DRP)  
320 West Temple Street  
Los Angeles, California 90012  
Em: kkulczycki@planning.lacounty.gov

HAND DELIVERED ON APRIL 4, 2015 AT APPROXIMATELY 9:00 A.M. TO:

LOS ANGELES COUNTY DEPARTMENT OF REGIONAL PLANNING (DRP)  
320 West Temple Street, Room. 150  
Los Angeles, California 90012

RE: Canyon Crest Conservancy Comment Letter Regarding Agenda Item No. 10 for the County of Los Angeles April 5, 2016 Public Hearing Regarding Project No. R2014 – 02411-(5), ROAK 201400035, and RMCP 201400014.

Dear Ms. Kulczycki,

On behalf of Canyon Crest Conservancy (“**Conservancy**” or “**CCC**”), my Office is providing comments concerning Agenda Item No. 10 for April 5, 2016 County of Los Angeles (“**County**”) Public Hearing Regarding Project No. R2014 – 02411-(5), ROAK 201400035, and RMCP 201400014 (“**Project**”). These comments are intended to supplement comment already provided to the County on March 23, 2016.

CCC is a group of concerned Altadena residents who are dedicated to open spaces and quality of life in the Canyon Crest area.

CCC urges the County of Los Angeles to reject the Project for violating the California Environmental Quality Act, Cal. Pub. Res. Code §§ 21000 et seq. (“**CEQA**”), the Altadena Community Standards, County Code § 22.44.127 (“**Altadena Community Standards**”), as well as the County’s Oak Tree Ordinance, Co. Code 22.56.2050 et seq (“**Oak Tree Ordinance**”).

At a minimum, CCC urges the County of Los Angeles to continue the hearing and allow for adequate public review of the Project. Numerous last minute changes have been adopted into the Project, including an amendment to the Project Initial Study and Project Description a mere five days before this hearing. This significant new information requires, *at minimum*, a continuation of this hearing to allow the public to adequately review the Project.

I. THE PROJECT VIOLATES ALTADENA COMMUNITY STANDARDS.

a. The Project Violates The Altadena Community Standards Floor Limitations.

The Altadena Community Standards, Co. Code § 22.44.3127, limits single-family homes to two stories above grade. However, the Project's building plans demonstrate that the project has *four* stories *above grade*, easily exceeding the Altadena Community Standards floor limitations. *See* Floor & Section Plans. As the County's own analysis notes

Above the garage is a proposed loft space that looks out onto Canyon Crest Road and below the garage is the main residence level containing two bedrooms, two bathrooms, a kitchen, and a living room with a west-facing cantilevered deck. There is a lower level below the kitchen and living room where an office is proposed. Staff Analysis at 2.

The County claims that the Project has only two stories above grade by classifying the two levels below the garage as a cellar and therefore *below grade* and classifying the garage and the loft as two stories *above grade*. Staff Analysis at 5 – 6, 9 (“Only one portion of the house has more than 2 floors – the footprint of the loft”); *see also* Co. Code § 22.08.190 (defining “Story” as “that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above,” excluding “cellars.”). The County's classification that the main residence level, composed of “two bedrooms, two bathrooms, a kitchen, and a living room” *id.* at 2, as well as the bottom level office as a cellar flies in the face of the *plain meaning* of the County Code.

Section 22.08.070 of the County Code defines “Grade” as:

. . . the approved grade of a lot or parcel of land at the time such lot or parcel is created, except when excavation is proposed. When excavation occurs after the lot or parcel is created, the grade of the excavated area shall be the grade *after the excavation*. . . . Grade within the perimeter of a structure shall be considered to transition uniformly from the *lowest to the highest points of grade at the perimeter of the structure*. (Emphasis added).

Section 22.08.030 of the County Code defines “Cellar” as:

. . . that portion of a building between a floor and ceiling which is wholly or partly below grade (as defined in Section 22.08.070) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Section 22.08.070 of the County Code measures “Grade” from the *perimeter* of the structure from the *lowest and the highest points of grade*. The Project's drawings demonstrate that the main

residence floor and the below office are *above grade* as they are visible from the *perimeter* of the structure. *See Building Model*. Cellars are required to have all their walls buried below ground, i.e. *below grade*, and not to have any walls visible from the perimeter of the structure. The Project violates the floor restrictions in the Altadena Community Standards.

b. The Project Violates The Altadena Community Standards Height Limits.

The Altadena Community Standards, Co. Code § 22.44.3127, limits the Project to a maximum height of 35 feet. The Project violates the height restriction as the proposed structure has a linear height of 62 feet. *See Building Model*.

The County claims that the height restriction only applies to the portion of the structure *above grade*. However, even if you adopt the County's interpretation and arbitrarily set the grade of the Project at 49% of the main residence floor and above, the Project *still* exceeds 35 feet as the County's height measurement only includes the garage and loft. *See Floor & Section Plans; and Elevation Plans*.

However, the County misinterprets the grade of the Project, as the County does not account for the exposed perimeter of the structure of the Project, which totals 62 feet in linear height. *Supra* I.A. The Project violates the maximum height limitations of the Altadena Community Standards.

II. THE PROJECT VIOLATES THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

a. Background On The California Environmental Quality Act.

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report except in very limited circumstances. *See, e.g.,* Cal. Pub. Res. Code § 21100. The EIR is the very heart of CEQA. *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652. "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109. CEQA applies to agency projects that may have an adverse environmental impact. *Friends of Mammoth v. Board of Supervisors*, 8 Cal.3d 247, 259 (1972); *Friends of B Street v. City of Hayward*, 106 Cal.App.3d 988, 1003 (1980) (project that included removal of trees caused significant effect on environment). CEQA has two broad purposes: 1) avoiding, reducing or preventing environmental damage by requiring alternatives and mitigation measures 14 Cal. Code Regs. § 15002(a)(2)-(3) (hereinafter "**CEQA Guidelines**"); and 2) providing information to decision makers and the public concerning the environmental effects of the proposed project. CEQA Guidelines § 15002(a)(1).

To achieve its objectives of environmental protection, CEQA has a three-tiered structure. CEQA Guidelines § 15002(k); *Comm. to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1185 – 86. First, if a project falls into an exempt category, or it can be seen with certainty that the activity in question will not have a significant effect on the environment, no further agency evaluation is required. *Id.* Second, if there is a possibility the project will have a

significant effect on the environment, the agency must perform a threshold initial study. *Id.*; CEQA Guidelines § 15063(a). If the study indicates that there is no substantial evidence that the project may cause a significant effect on the environment the agency may issue a negative declaration. *Id.*; CEQA Guidelines §§ 15063(b)(2), 15070. Finally, if the project will have a significant effect on the environment, an environmental impact report (“EIR”) is required. *Id.*

b. Background On Initial Studies And The “Fair Argument Standard.”

As the California Supreme Court very recently held, “If no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR.” *Communities for a Better Environment v. South Coast Air Quality Management Dist. (ConocoPhillips)* (2010) 48 Cal. 4th 310, 319-320 (“*CBE v. SCAQMD*”), citing, *No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d at pp. 75, 88; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal. App. 3d 491, 504-505) “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109.

An EIR is required if “there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.” Pub. Res. Code § 21080(d) (emphasis added); see also *Pocket Protectors*, 124 Cal.App.4th at 927. In very limited circumstances, an agency may avoid preparing an EIR by issuing a negative declaration, a written statement briefly indicating that a project will have no significant impact thus requiring no EIR CEQA Guidelines § 15371, only if there is not even a “fair argument” that the project will have a significant environmental effect. Pub. Res. Code §§ 21100, 21064. Since “[t]he adoption of a negative declaration . . . has a terminal effect on the environmental review process,” by allowing the agency “to dispense with the duty [to prepare an EIR],” negative declarations are allowed only in cases where “the proposed project will not affect the environment at all.” *Citizens of Lake Murray v. San Diego*, 129 Cal.App.3d 436, 440 (1989) CEQA contains a “*preference for resolving doubts in favor of environmental review.*” *Pocket Protectors*, 124 Cal.App.4th at 927 (emphasis in original).

An Initial Study is improper, and an EIR is required, whenever substantial evidence in the record supports a “fair argument” that significant impacts may occur. Under the “fair argument” standard, an EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency’s decision. CEQA Guidelines § 15064(f)(1); *Pocket Protectors*, 124 Cal.App.4th at 931; *Stanislaus Audubon v. Stanislaus* (1995) 33 Cal.App.4th 144, 150-151 (1995); *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597, 1602.) The “fair argument” standard creates a “low threshold” favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. *Pocket Protectors*, 124 Cal. App. 4th at 928.



The “fair argument” standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

This ‘fair argument’ standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. [Citations]. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency’s decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument.

Kostka & Zishcke, *Practice Under CEQA*, §6.29, pp. 273-274. The Courts have explained that “it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency’s determination. Review is de novo, with a *preference for resolving doubts in favor of environmental review*.” *Pocket Protectors*, 124 Cal. App. 4th at 928, emphasis in original.

As a matter of law, “substantial evidence includes . . . expert opinion.” (Cal. Pub. Res. Code § 21080(e)(1); CEQA Guidelines § 15064(f)(5).) CEQA Guidelines demand that where experts have presented conflicting evidence on the extent of the environmental effects of a project, the agency must consider the environmental effects to be significant and prepare an EIR. (CEQA Guidelines § 15064(f)(5); Pub. Res. Code § 21080(e)(1); *Pocket Protectors*, 124 Cal. App. 4th at 935.) “Significant environmental effect” is defined very broadly as “a substantial or potentially substantial adverse change in the environment.” Pub. Res. Code § 21068; see also Guidelines 15382. An effect on the environment need not be “momentous” to meet the CEQA test for significance; it is enough that the impacts are “not trivial.” *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 83. In the recent *Pocket Protectors* case, the court explained how expert opinion is considered. The Court limited agencies and courts to weighing the admissibility of the evidence. *Id.* In the context of reviewing a Negative Declaration, “neither the lead agency nor a court may ‘weigh’ conflicting substantial evidence to determine whether an EIR must be prepared in the first instance.” *Id.* Where a disagreement arises regarding the validity of a negative declaration, the courts require an EIR. As the *Pocket Protectors* court explained, “It is the function of an EIR, not a negative declaration, to resolve conflicting claims, based on substantial evidence, as to the environmental effects of a project.” *Id.*

The case of *Christward Ministry v. Superior Court of San Diego County*, 184 Cal. App. 3d 180 (1986) explains the standard of judicial review when a lead agency declines to prepare an EIR:

On a claim an EIR rather than a negative declaration should have been prepared, the courts look to see if there was substantial evidence to support the agency's conclusion it could not be “fairly argued” the project would have a significant environmental impact. (*Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 503-504. If there is no substantial evidence to support the agency's conclusion a fair argument cannot be made that

the project will have a significant environmental impact, then the agency's action in adopting a negative declaration amounts to an abuse of discretion by the agency and a failure to proceed in a manner required by law. (*Ibid.*)

*Christward Ministry v. Superior Court of San Diego County*, 184 Cal.App.3d 180, 187 (1986).

c. Background on Significant Environmental Impacts.

CEQA sets a *low threshold* to determine whether a Project will have or may have a significant impact on the environment. Section 15382 of the CEQA Guidelines provides that a Project should be determined to have a significant environmental impact and therefore require an Environmental Impact Report or Mitigated Negative Declaration if a substantial or potentially substantial adverse *change in any of the physical conditions* in an area affected by the project. Significance is determined upon the change imposed by a proposed project.

d. The Initial Study Adopted An Inaccurate Project Description And Must Be Reissued.

The County, a mere *five days* before the County's hearing set for April 5, 2016, revised the Project's Initial Study and Project Description, amending the maximum height of the Project from 33 feet and 10 inches to 34 feet and 10 and a half inches. Memorandum from Kristina Kulczycki, Zoning Permits North Section to Hearing Officer Re: Project No. R2014-02411-(5)

CEQA requires that the public be given at least *20 days* to review a proposed negative declaration, as is in this case. CEQA Guidelines § 15105(b). The County notified the public of this change and amended the environmental documents a mere 5 days before this hearing.

The County should continue the hearing to allow the public adequate time to review the revised Project. "Where an agency fails to provide an accurate project description, or fails to gather information and undertake an adequate environmental analysis in its initial study, a negative declaration is inappropriate. *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal. App. 4th 1170, 1202 (quoting *City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398, 406, 408.); see also *El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal. App. 4th 1591, 1597.

The County claims that reissuance or recirculation is not required because the height increase does not change the Initial Studies' environmental analysis as to whether the Project will have significant environmental impact. However, that does not apply when the project description that is being analyzed is amended. CEQA Guidelines §§ 15073, 15073.5.

c. The Project Will Have Significant Environmental Impacts.

1. The Project Will Have Significant Impact On Oak Woodlands.

The Project understates the impact that the Project will have on Oak Woodlands. As expert arborist Rebecca Latta notes, the Project's arborists report understates the size of the Project and does not conform with the Project's site plans as the "walls on the plans are 24-feet and 18-feet, but the report only discusses one proposed 5-foot retaining wall." Letter from Rebecca Latta to Kristina Kulczycki, Senior Regional Planning Assistant, LA County Regional Planning (Mar. 30, 2016) at 1.

Moreover, the Project understates the number of protected oaks that will need to be removed as a result of the project. Latta notes that in addition to the one oak tree that the Project's Initial Study and Arborist Report reports that need to be removed, the new site plans will require the removal of an additional 3 – 4 trees, and at a minimum specifically trees nos. 4, 5, and 7, to be removed, as well as substantial adverse impact on 3 other protected oak trees, trees number 1, 8, and 9. *Id.*

2. The Project Will Have Significant Aesthetic Impacts.

The Project will have significant aesthetic impacts as it will adversely affect a scenic vista as well as substantially degrade the existing visual character or quality of the site and its surroundings due to the Project's height, bulk, pattern, scale, character, and other feature by obstructing scenic views of the surrounding canyon. The County's admits that the Project Site "is located on a steep hillside with a beautiful view of the canyon." Staff Analysis at 6. The Project's thirty-four foot and 10-and-a-half-inch maximum height will significantly obstruct scenic views of the surrounding canyon.

The Initial Study incorrectly concludes that the Project will not have an aesthetic impact due to the Project falling below the maximum height permitted in the Altadena Community Standards. Notwithstanding that the Project misstates its maximum height, the Initial Study misconstrues how to evaluate aesthetic impacts under CEQA. CEQA does not determine *aesthetic* impacts of a proposed project based upon compliance with local land use codes. Rather, courts look to the context of the Project Site, including personal observations about the aesthetic value of a site, physical changes to a site, and public controversy surrounding a proposed project. *See California Environmental Law & Land use Practice* § 21.09; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, 939 (Negative Declaration for infill development project overturned because of significant adverse aesthetic impacts); *Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal. App. 4th 396, 401 (Negative Declaration for covering reservoir with aluminum roof overturned because of significant aesthetic impacts).

3. The Project Will Have Significant Impacts On Wildlife.

In addition to the concerns that CCC presented concerning the Project's impact on the Project Site as a wildlife crossing in CCC's March 23, 2016 Comment Letter, CCC has uncovered additional evidence of the use of the Project Site as a wildlife crossing and the significant impact that



the Project will have on wildlife. The Project Site is located in Lower Millard Canyon, a crucial area for wildlife. Arroyo & Foothills Conservancy, Wildland Hubs and Corridors: San Gabriel Foothills. The County should reject the Project's Initial Study and prepare a full environmental impact report due to the project's potentially significant environmental impacts.

III. THE PROJECT MUST BE APPEALABLE TO THE COUNTY BOARD OF SUPERVISORS.

Section 21151(c) of the California Public Resources Code requires that a “non-elected decisionmaking body of a local lead agency . . . approval, or determination may be appealed to the agency's elected decisionmaking body.” *See also* CEQA Guidelines § 15025(b)(1) (“The decisionmaking body of a public agency shall not delegate . . . approving a negative declaration . . .”). Courts have expressly found that agencies cannot exclusively delegate their CEQA decision-making authority to non-elected decision-making bodies such as appointed planning commissions or hearing officers. *California Clean Energy Committee v. City of San Jose* (2013) 220 Cal. App. 4th 1325, 1338 – 1339. The County must allow for an appeal of the Project to the County Board of Supervisors.

IV. CONCLUSION.

CCC urges the County to reconsider this Project, reject the staff recommendation, and reject the Project. At a minimum, this hearing should be continued to a later date to adequately consider the above mentioned issues.

It is a pleasure working with you. Feel free to contact my Office with any questions or concerns.

Sincerely,

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Mitchell M. Tsai  
Attorneys For Canyon Crest Conservancy

Attachments:

Floor & Section Plans (attached as Exhibit A);

Building Model (attached as Exhibit B);

Elevation Plans (attached as Exhibit C);

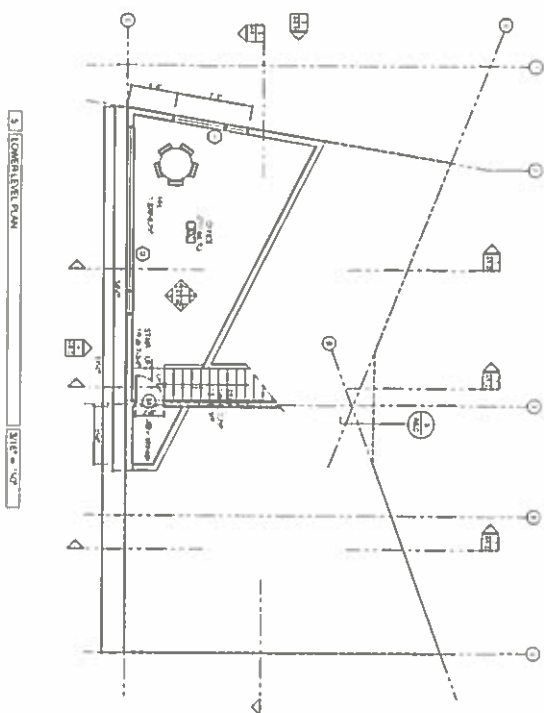
Letter from Rebecca Latta to Kristina Kulczycki, Senior Regional Planning Assistant, LA County Regional Planning (Mar. 30, 2016) (attached as Exhibit D); and

County of Los Angeles - Project No. R2014 - 02411 - (5), ROAK 201400035, and RMCP 201400014  
April 4, 2016  
Page 9 of 9

Arroyo & Foothills Conservancy, Wildland Hubs and Corridors: San Gabriel Foothills (attached as Exhibit E).

## **EXHIBIT A**







# A 5.0

Building Sections



1.16.2023  
 1.16.2023  
 1.16.2023  
 1.16.2023

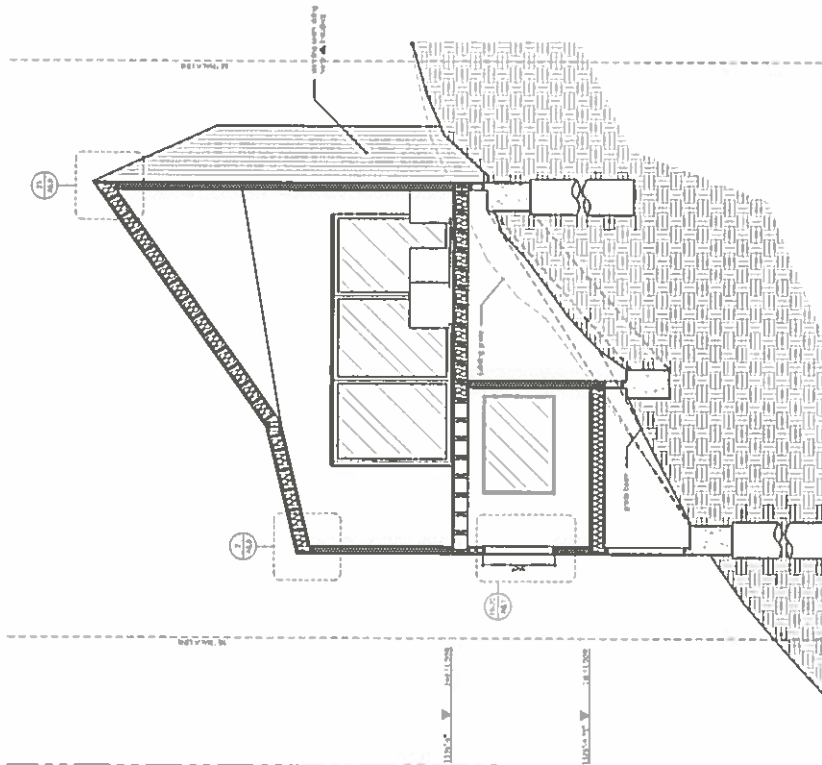
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APN 8630-000-016

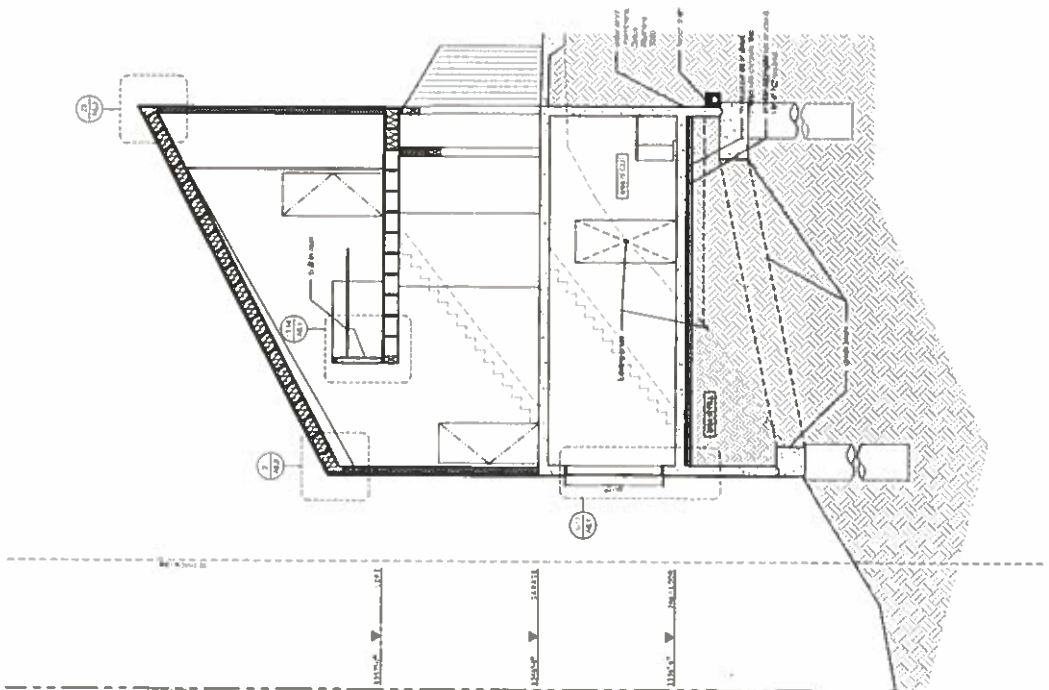
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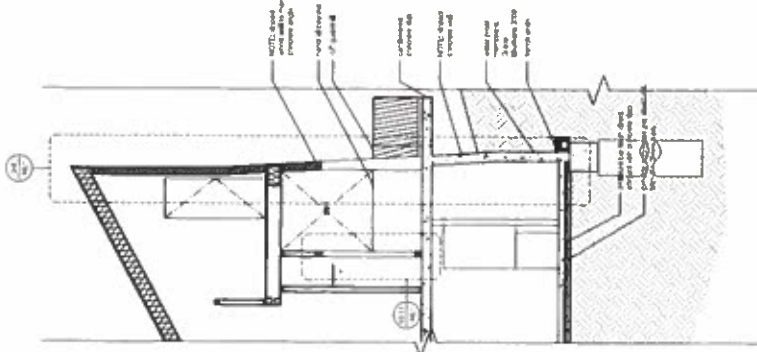
1 | SECTION 1 | 1/4" = 1'-0"



2 | SECTION 2 | 1/4" = 1'-0"



3 | SECTION 3 | 1/4" = 1'-0"





**EXHIBIT B**

~ 62' Height



## **EXHIBIT C**





**EXHIBIT D**



## Rebecca Latta Arboricultural Consulting

359 North Westridge Avenue, Glendora, CA 91741 (626) 272-8444

[rlattaconsulting@gmail.com](mailto:rlattaconsulting@gmail.com)

Certified Arborist #WE4264A

March 30, 2016

Kristina Kulczycki  
Senior Regional Planning Assistant  
LA County Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012

Re: Independent Arborist Review of Oak Tree Report for APN 5830 003 016 –Canyon Crest Road, Altadena. (REVISED)

*Report e-mailed to Kristina at [kkulcczycki@planning.lacounty.gov](mailto:kkulcczycki@planning.lacounty.gov) and John at [johnthearborist@gmail.com](mailto:johnthearborist@gmail.com)*

Dear Kristina,

As requested, I have reviewed the oak tree report by Scott McAllaster of Land Design Consultants dated August 2, 2014. I also reviewed the letter from Jeantine Nazar dated December 3, 2014. I was surprised that the report missed many proposed impacts, did not include all the oak trees on the site and neglected to discuss the blue line stream and Riparian oak woodland habitat.

### Quick Summary:

- *The property contains a significant ecological area and that can be defined as an oak woodland.* Species found on the site include coast live oak, canyon live oak, bay laurel, big leaf maple, elderberry, alder, black walnut and several willow species. The adjacent lot has sycamore and scrub oak.
- *The soils engineering report recommends removing all vegetation, debris, existing fill and disturbed terrace on the flat areas to receive compacted fill to a rate of 90% (page 12).* Compaction can physically damage tree roots and prevent infiltration of water and nutrients. Plants need compaction less than 65 to 70%. These impacts are not considered in the tree report.
- *The LDC oak tree report analyzes a much smaller project than the current proposed project.* The walls on the plans are 24-feet and 18-feet, but the report only discusses one proposed 5-foot retaining wall. The report does not quantify impacts, only discusses impact distances from tree trunks. *In my opinion, trees #4, 5 and 7 may need to be removed to construct the proposed project from the combined impacts of grading and construction activities. Trees #1, 8 and 9 will have significant grading impacts.*
- *The oak tree report does not meet the requirements of the code.* The submittal for the project does not comply with Section 22.56.2090. (1) The location of oak trees within 200 feet of construction are not shown or discussed; (2) the location of surface drainage systems are

not shown on the tree map and; (3) the proposed change in grade within the protected zone of each plotted tree is not specified.

Here are my detailed findings from the review:

### **Missing from the Arborist report from Land Design Consultants:**

1. Impact analysis for tree #10. The arborist report from LDC says that there will be no impact to tree #10. That is not the case, however, since foundation pilings are within the protected zone and the tree is adjacent to a large boulder that may need to be removed.
2. Sewer line and water line construction impacts are not mentioned in the oak tree report. *Additional impacts to tree #1, 2, 3, 4, 5, 6 and 8 may be significant.*
3. Any quantification of impacts from the retaining wall, fill soil (15 cu yards of cut and 15 cu yards of fill) and pile drilling activities.
  - a. Minimum piling size of 24 inches is mentioned. I would think the maximum potential size would be more relevant. Do the holes have to be shored? How much bigger does that make the holes? Where will the spoils from the holes be placed?
  - b. The flat pad is completely covered by oak tree canopy. How will a crane fit into the space and drill pilings without damaging the trees? Dump trucks will not have adequate vertical clearance; the canopy overhangs low over the pad.
  - c. Where will materials be stored where they are not within the protected zone of any oak trees?
  - d. There is a drainage channel that appears to run under the proposed house. If the drainage is altered, how will that impact the oak trees? Isn't that a jurisdictional drainage?
  - e. The percentage of root zone and canopy impacts are not mentioned. The arborist specifies a distance to impacts, but does not discuss the relevance of the impact to tree health. Only that they might occur. How does the arborist determine whether the impacts are great enough to recommend removal of the protected trees?
  - f. The height of the structure is 31 feet, but the trees are much lower than 33 feet. How does the building fit into the slope under the trees? **I believe that the applicant should be required to put up story poles to demonstrate the actual footprint of the structure and how it interfaces with the trees.**
  - g. There is no mention of the required 5 feet of clearance required by the fire department for the structure.
4. There is a 20-foot high retaining wall mentioned in the Geotechnical report dated April 2014. The oak tree report does not discuss the wall or any backfill that might be required and how it would interface with the protected zone of oak trees.
5. The report does not address any impacts to the heritage sized oak tree on adjacent property to the north and additional tree over protected size on their property. Although there are no heritage size trees on the property, there are some within 200 feet of the project.

There is no mention of the existing fill soil that is suffocating the roots of the trees near the flat pad area. Even 2-inches of fill soil can suffocate roots and cause root decay. At some point in the recent past, the flat pad by the road was enlarged by dumping fill soil on the protected zones<sup>1</sup> of at least 4-5 oak trees to a depth of at least one foot. Two trees are buried three feet deep where the natural slope drops.

6. The site is located over a significant ecological area. There is a blue-line stream at the bottom of the canyon in the center of the property. This is not addressed in the oak tree report. How will the project prevent sediment and debris from going down the hill? There are multiple oaks and other trees directly below the building site that are not addressed in the oak tree report. They could be directly impacted by a change in hydrology or drainage. Also the slope is full of large boulders that may require removal to construct the proposed pilings.



Photo from the bottom of the canyon on the applicant's property – downslope of the project.

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<sup>1</sup> The protected zone is defined as the dripline plus 5 feet in the County oak tree ordinance.

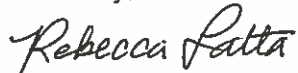


7. The property would qualify as oak woodland based on the definition in the Oak Woodlands Conservation Management Plan Guide from LA County Planning dated March 18, 2014. I estimate the coverage of oak woodland on the property to be greater than 35%. There is also a diversity of oak species (3 species) on the property.
  - a. If the site contains an oak woodland, then the staff biologist and Forester should make a determination about whether the project could significantly impact the oak woodland.
  - b. A plan should be developed with oak trees and woodland depicted and labeled. None exists at this time.

In my opinion, the applicant has not met the Burden of Proof as required in the LA County Oak Tree Ordinance Section 22.56.2100 because they are unable to prove that the construction will not endanger the health of the remaining trees on the subject property.

Please let me know if you have any questions.

Sincerely,



Rebecca Latta  
Consulting Arborist, Horticulturalist  
626 272-8444 cell  
rlattaconsulting@gmail.com  
ISA Certified Arborist WE4264A  
Certified Tree Risk Assessor #1217  
Member, American Society of Consulting Arborists



Canopy covered flat pad where construction activity will occur – where will the crane fit? How will the steel be stored?



Drainage that leads to blue-line stream. Applicant plans to build house on top of drainage.





Measuring tape showing depth of fill soil on oak adjacent to flat pad.





Photo from the flat pad looking south toward the proposed building site.





Photo looking west from the flat pad



Photo looking east from the flat pad toward the street and the drainage





Fill soil on root zone



Large granite boulder that may need to be removed under the building site





Granite rocks that may need to be removed





Drainage channel leading to canyon





Estimated height of structure (see PVC pipe)



Oak trees from flat area to south of property





Looking north from property to the south



Trees buried in fill looking west





Steep slope where house is proposed



Oak #1 that will be impacted by grading



## **Rebecca K. Latta**

359 North Westridge  
Glendora, California 91741  
(626)272-8444 cell  
[rlattaconsulting@gmail.com](mailto:rlattaconsulting@gmail.com)



## *Arboricultural, Horticultural and Biological Consultant*

### Education

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- UC Davis School of Agriculture and Science, 1979-1980
- Pasadena City College, Photography and Graphic Arts, 1980-1981
- UC Santa Barbara, Environmental Studies/Geography B.A., 1982-1984
- UCLA Extension, Landscape Architecture Program 1985-1987
- 170 CEU's, Arboriculture, Forestry, Fire Safety, Birds, Insect, Diseases, Pruning, Planting, Invasive Plant Management, Chaparral Ecology and Water Management 1989-present.

### Registrations and Certifications

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- Graduate, American Society of Consulting Arborists Academy (2008)
- Certified Tree Risk Assessor #1217 (PNW ISA Chapter 2011)
- Certified Arborist #4264A Western Chapter ISA (1998-present)
- Nesting Bird Monitoring Training (2011, 2012 Edison International)
- CDFG Plant Collection Permit No. 2081(a) 12-28-V

### Work Experience

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**Owner, Rebecca Latta Consulting.** Glendora, California: Arboricultural, horticultural and water management consulting for large estates, residential homes, development projects, cities and utilities.

**Beverly Park Estate Client (2013 to present):** Comprehensive landscape evaluation and guidance for estate with multiple landscape challenges including insects and disease, uneven watering, plant mortality and poor performance. Currently working with client to reduce water use and improve overall soil and plant health on-site.

**Trust for Public Land Pocket Park Projects, Los Angeles County (June 2012 to present):** Hired to train maintenance crews to prune trees and native shrubs in a pocket park in Maywood. Additional projects were added and now scope of work includes review of landscape, irrigation and grading plans for 4 new pocket parks, landscape plant stock inspection and tree preservation construction monitoring.

**Thornton Gardens, San Marino (October 2013 to present):** Arborist services to provide horticultural opinion, plan review, tree risk assessment, tree preservation, construction monitoring and other services as requested for 13-acre garden in San Marino in development for future addition to Huntington Gardens.

**Arborist Services, City of La Canada (August 2010 to present):** Arborist services to provide plan review, tree risk assessment, construction monitoring and other services as requested for Planning and Public Works. Projects included Woodleigh Reconstruction Project, Mayor's Discovery Park, Memorial Park Slope Reconstruction, Jessen Bridge Reconstruction, Lasheart Sidewalk Feasibility Study and on-call tree assessment and tree-related code enforcement projects.

**Silver Lake Reservoir Tree Impact Assessment and Preservation Plan. LADWP (2011 to present):** Arborist services to evaluate plans for proposed improvements and upgrades to supply lines at the reservoir. Reviewed nesting bird survey and provided arboricultural information to be inserted in biological report for the project. Reviewed current landscape and tree preservation specifications and provided recommendations for new language. Attended community meetings as requested.

**Woolsey Canyon, City of Sherman Oaks (LA County) (2012):** Arborist services to provide a physical survey of tree characteristics, determine health and assess construction impacts for an oak tree preservation report for a 60-acre site in a wooded canyon in the Sherman Oaks area. Oak tree report was approved along with the Biological Report in October 2013. (Partnered with Converse Consultants and Gonzales Biological Consulting).

**Arborist, Noreas Incorporated.** Irvine, California. (2014 to present): Arborist and biologist for an environmental engineering and science consulting firm providing biological survey, mitigation monitoring services to Edison International.

**Senior Arborist, Forde Biological Consultants Inc.** Camarillo, California. (2010-2013): Arborist and biologist for a small environmental consulting firm providing resource inventory and monitoring services. Responsible to manage and conduct oak tree surveys and develop reports to satisfy local tree preservation and coastal preservation requirements.

**Adjunct Professor, Citrus Community College,** Glendora, California. (2010): Public Works Program (Fall/Winter 2010): Taught Urban and Municipal Tree Care (PW 158) and Urban Forest Management Planning – Toolkit (PW 159).

**Senior Arborist, SWCA Environmental Consultants,** South Pasadena, California. (2007-2012): Arborist for environmental consulting company providing natural and cultural resource services. Responsible to promote, manage and provide technical expertise for arboricultural and horticultural projects.

**Otay Mountain Tecate Cypress Study :** Worked with Paul Zedler Phd., Biologist and Fire Ecologist and Michael Kline., specialist for Thorne's Hairstreak Butterfly to study the effects of fire on a population of Tecate Cypress on Otay Mountain, San Diego County, for the Bureau of Land Management. The study included an extensive bibliography of known research on the cypress and contained fire and population management strategies based on our research and field studies.

**Arborist and Horticultural Specialist, Stone Canyon Water Quality Improvement Project,** Los Angeles, California (2003-2011): Provided arboricultural, landscape and horticultural services in support of the Los Angeles Department of Water and Power's (LADWP's) Stone Canyon Water Quality Improvement Project. Developed habitat restoration plan for manufactured slopes created from tunnel spoils on the property. Created specifications for planting and irrigation. Monitored construction and invasive weed removal by the landscape contractor.

**Santa Monica Urban Forest Master Plan,** Santa Monica, California (2009-2012): Worked with a landscape architect (Artecho) to develop a 50-year long-range master plan for street and park

trees for the City of Santa Monica. Effort included research, tree succession planning, specifications for tree preservation and replacement policies.

**Los Angeles County Oak Woodland Habitat Conservation Strategic Alliance**, (2008-present). Provided list of oak dependent species for Oak Woodland Habitat Conservation Guidelines. Worked collectively with alliance of arborists, foresters and community leaders to develop recommendations revising the Los Angeles County General Plan to comply with the State Oak Woodland Preservation Act.

**Consulting Arborist, City of Agoura Hills**, Agoura Hills, California. (2002-2007): Responsible for review of plans and documents for compliance with City of Agoura Hills oak tree, environmental, and landscape ordinances; nursery stock inspections; and field inspections as required. Attended planning commission and community meetings associated with projects. Provided backup to city arborist during emergency windstorm events to assess hazardous trees and prioritize work. Performed oak tree surveys, mitigation monitoring and other arboricultural duties as requested. (Subconsultant to Seven Elk Ranch LLC.)

**Urban Forest Supervisor, City of Pasadena**, Pasadena, California. (1998-2002): Responsible for comprehensive management of 57,000 city street trees, tree preservation and planning programs, grant writing, administration and planting implementation. Researched and developed a draft native tree preservation ordinance. Revised contract specifications for tree planting, pruning and removal. Updated urban forestry management plan including revisions to the Master Street Tree Plan through city commissions with required CEQA environmental documentation.

**Lower Arroyo Seco Wash Restoration** - Reviewed and recommended modifications to the restoration plan proposed by Waste Management for mitigation of the Sunshine Canyon Landfill in the Arroyo Seco Wash in Pasadena, California.

**Eaton Canyon Natural Area Restoration** - Reviewed restoration plans and monitored for compliance with environmental documents during removal of non-native invasive species and planting of restoration species. Inspected nursery stock for health and species confirmation.

**Landscape Conservation Specialist, City of Pasadena Water and Power Department**, Pasadena, California. (1990-1997): Designed and implemented landscape water and energy conservation programs for the Pasadena Water and Power Department. Programs included a strategic shade tree planting program (TREE - Trees as a Resource for Energy Efficiency) and irrigation water audits for large landscape areas. Performed feasibility study of reclaimed water use for Pasadena's largest landscape customers. Duties included partnering with the City Street Tree Division for neighborhood tree plantings and landscape water conservation workshops.

## Presentations/Training

**Basic Tree and Shrub Pruning**. Presented at Los Angeles County Arboretum, Saturday 3-hour Workshops with hands-on training. January 25, 2014.

**Tree Health from Nursery Sapling to Garden Specimen**. Presented at Los Angeles County Arboretum Thursday Garden Talks. October 24, 2013.

**What is a Tree Worth?** Presented at Inland Urban Forest Council Annual Workshop - "Trees Make Dollars and Sense" at the Riverside Corona Resource Conservation District, Riverside, California. June 13, 2013.

*New Oak Threats Workshop: Workshop on the Care and Treatment of Common and New Threats to your Oaks.* Huntington Library, Art Collections and Botanic Gardens, Friends Hall. January 12, 2013.

*Urban Forest Master Planning.* Presented at the Inland Urban Forest Council Annual Workshop – “Mature Tree Management” at the Riverside Corona Resource Conservation District. Riverside, California. October 30, 2012.

*Consulting Arborist Toolbox.* Presented at Inland Urban Forest Council Quarterly Seminar, Sims Tree Learning Center. June 14, 2012.

*Tree Pruning and Care.* Presented at Watershed Council Seminar ‘Landscaping Lightly’, Los Angeles County Arboretum, Ayres Hall, March 18, 2012. 250 attendees.

*Ensuring Healthy Trees for the Urban Landscape.* Presented at the Los Angeles and San Gabriel Rivers Watershed Council Seminar at Rancho Santa Ana Botanic Gardens, June 9, 2011

*Tree Construction Preservation and Impact Assessment.* Presented at the California Urban Forest Council Inland Chapter Workshop at the Riverside Corona Resource District Headquarters, June 16, 2011.

*The Southern California Woodland Garden: Using Native Plant Communities to Design Sustainable Gardens.* Presented at Theodore Payne Foundation, November 14, 2009.

*‘Oaks and Fire: Examination of the Effect of Fire on Oak Canyon’.* Presented at Oak Canyon Park, Anaheim, California. Given jointly with Ty Garrison at A Day in the Canyon, Discovering Oaks Seminar, Western Chapter International Society of Arboriculture, September 18, 2009.

*Oaks of Los Angeles County: Identification and Associated Species.* Presented at the California Native Plant Society, San Gabriel Valley Chapter, September 24, 2009.

## Programs

**Trees as a Resource for Energy Efficiency (TREE) Program.** The 5-year strategic shade tree planting program for municipal customers in Pasadena to reduce peak summer energy use from air conditioning. The program won the California Municipal Utilities (CUMA) Energy Innovator Conservation Award. (1993).

**Protector of Water/Protector del Agua** (in conjunction with MWD). Program to train workers for to maximize irrigation efficiency. (1996).

**Landscape Irrigation Audit Program:** 3-year pilot program to determine potential water savings from large landscape customers in the City of Pasadena. (1994-1997).

**Dry Climate Garden Awards Program:** 2-year program designed to reward homeowners who switched out turf for native or Mediterranean climate landscapes with efficient irrigation. (1995-1997).

## Professional Affiliations

- California Native Plant Society, San Gabriel Valley Chapter, Field Trip Chairman, 2014
- Inland Urban Forest Council Board Member, 2008 – present
- Scholarship Committee Street Tree Seminar, 2011

- Landscape and Planning Representative Board Representative, California Urban Forest Council, 2009
- Member, International Society of Arboriculture Western Chapter (1998 – present)
- Member, American Society of Consulting Arborists (2008 – present)
- Member, Los Angeles County Oak Woodland Habitat Conservation Strategic Alliance
- Member, Street Tree Seminar (1998-2003), Sergeant at Arms 2001, Secretary 2002.

References provided upon request.

**EXHIBIT E**





# Wildland Hubs and Corridors

## San Gabriel Foothills





## Kristina Kulczycki

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**From:** Valerie Scott [valerie.j.scott@gmail.com]  
**Sent:** Monday, April 04, 2016 2:44 PM  
**To:** Kristina Kulczycki  
**Subject:** Re: R2014-02411

To whom it may concern:

Shutting down Canyon Crest really cannot be closed for construction, both for fire and for transit. There have been a few occasions where only one lane was shut down which generates a large traffic jam entering and exiting the Meadows. This seems like both a hazard and a serious burden on Meadows residents.

--

*Valerie J. Scott, Ph.D.  
Nano and Micro Systems Engineer  
Jet Propulsion Laboratory  
office: 818-354-0515  
cell: 626-639-5231*

**Kristina Kulczycki**

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**From:** [REDACTED]  
**Sent:** Monday, April 04, 2016 2:14 PM  
**To:** Kristina Kulczycki; Stephen & Vandana  
**Subject:** Stephen and Vandi

Hi I just wanted to say that I support Stephen and Vandi proposed home that they want to build, I think it is good for the neighborhood. I own two pieces of property on that street, near where they live. BUT, I have to do this anonymously, it is a very sticky situation and many of my neighbors are my friends. So please, do not share my name, but I am a property owner and I do support their home being built.  
thanks

## Kristina Kulczycki

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**From:** Anne Van Valkenburgh [avanvalkenburgh@weho.org]  
**Sent:** Monday, April 04, 2016 12:11 PM  
**To:** Kristina Kulczycki  
**Subject:** Project No. R2014-02411-(5), ROAK 201400035 and RMCP 201400014

**Categories:** Red Category

RE: APN: 5830-003-016 on Canyon Crest Road within the Altadena

Hearing: Tuesday, April 5, 2016 at 9:00 a.m.

Dear Kristina Kulczycki,

I am opposed the new construction of a single family home in my neighborhood. Here are my reasons:

I live in The Meadows, Altadena and drive the road that goes up to the top at least twice a day. The proposed area is near an area on Canyon Crest that is narrow. In my opinion too narrow to support any type of new construction

Why can't the owners find a home that already exists in the neighborhood, there are plenty for sale.

It's a shame they have no problems cutting down ancient oak trees! Isn't there an environmental impact to address this absurd thought! Plenty times I've seen deer grazing right near the area they are proposing.

Overall this would be a big mistake and disgrace to the existing flora and fauna in the arroyo.

Thank you for your thoughtful considerations in not approving this project.

Thank you.

Anne Van Valkenburgh  
Administrative Specialist IV  
Department Public Works  
City of West Hollywood  
8300 Santa Monica Blvd.  
West Hollywood, CA 90069  
☎:323.848.6387 | 📠:323.848.6564 | ✉:avanvalkenburgh@weho.org

Download the "Power Tool" that can help get things fixed quickly



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## Kristina Kulczycki

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**From:** White, Victor E (389H) [vewwhite@jpl.nasa.gov]  
**Sent:** Monday, April 04, 2016 11:46 AM  
**To:** Kristina Kulczycki  
**Subject:** R2014-02411

**Categories:** Red Category

Friends at the LA county planning commission,

I'm a long term resident of the Meadows in Altadena, and I disapprove of the proposed development at 3577 Canyon Crest Road. Note this is my opinion, and in no way represents JPL, my employer.

Here's a partial list of reasons why I'm against it:

- 1) It doesn't fit the neighborhood. It's disruptive to the aesthetic of the neighborhood and destroys a bit of the quaint rural charm. i.e. it will hurt property values.
- 2) They are going to take down ancient oak trees.
- 3) Building a house on a slope approaching 45 degrees in a highly protected canyon will have watershed impacts. Did anyone look at how this may effect the arroyo toad for instance?
- 4) Having a house there will constrict a narrow section of the road on an already difficult section of road.

There are plenty of other houses in the Meadows for sale. Why must they destroy a chunk of what makes the area special.

Much thanks for providing us the opportunity to comment on this item which is of importance to our neighborhood.

Victor White  
4229 Canyon Crest Road,  
Altadena, CA 91001  
(626)-975-3129

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Victor White  
Jet Propulsion Labs  
Nano and Micro Systems  
4800 Oak Grove Drive  
M/S: 302-228  
Pasadena, CA 91109-8099



vewwhite@jpl.nasa.gov

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Cellular phone: +1 626 975-3129  
Fax number: +1 818 393-4773

DISCLAIMER: Opinions expressed in this e-mail, are the author's only, and in no way are endorsed by JPL

## Kristina Kulczycki

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**From:** Dave Doody [dave@SpacecraftKits.com]  
**Sent:** Sunday, April 03, 2016 6:09 PM  
**To:** Kristina Kulczycki  
**Cc:** dave.doody@jpl.nasa.gov  
**Subject:** Urgent comment on R2014-02411

**Categories:** Red Category

April 3, 2016

To:  
Kristina Kulczycki  
LA County DRP  
With regard to the R2014-02411 proposal

Dear Ms. Kulczycki:

This residential proposal is unusual in many ways. Possibly the most important facet is one that many people might not have in mind, especially those who have not (yet) experienced wildfires in the Altadena canyons. Nonetheless it is very important to consider wildfires; they have a not-so-low probability of occurring, combined with an extraordinary severity of impact.

If this project can be accomplished without ever shutting off traffic on the narrow, winding, Canyon Crest Road, or without restricting traffic to one narrow lane, then there would be little concern. However, we suspect that heavy equipment may have to be in place for significant periods of time for construction if this proposal is allowed to proceed.

You may need to be advised that Canyon Crest Road provides the single access to more than 200 homes located one mile further up the road. In the event of wildfire, the threat of which increases each year unfortunately, Canyon Crest Road must immediately service both incoming fire-fighting equipment and personnel, and the simultaneous emergency egress of evacuating residents. LA County has already seen fit to restrict the use of filming equipment along the bottle-neck length of this road because of the danger borne by residents.

Please think out the impact of having one or more lanes shut off for construction, even if only for a day or two: (1) Emergency access by heavy fire-fighting equipment and personnel would be hampered. (2) Residents would be hindered while trying to make emergency egress. And (3) Any construction employees that happen to be on site when fire breaks out would also be trying to evacuate, and possibly starting to move heavy equipment to prepare for their own evacuation, further blocking the road.

It would be unacceptable to allow, for any period of time, construction equipment to cause any blockage of Canyon Crest Road, even if "traffic control" personnel or "fire safety" personnel were also present. The need to have continuous unobstructed two-way traffic on this road was clearly seen during the Station Fire of 2009. This was a rather benign evacuation, though, since high winds were not a factor. However, if wildfire were to occur during a windy condition, there would be no margin of time in which to try to re-open a blocked lane.

Thank you for considering this important facet of the R2014-02411 proposal.

Sincerely,

Dave Doody  
4239 Canyon Crest Rd  
Altadena, CA 91001  
626.398.5133